

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

KYLE HILL,

Plaintiff,

v.

Case No. 10-C-0306

**DR. KELLY and KETTLE
MORAINE CORRECTIONAL
INSTITUTION,**

Defendants.

ORDER

Plaintiff Kyle Hill, a Wisconsin state prisoner, filed this pro se complaint under 42 U.S.C. § 1983. Instead of paying the filing fee, he filed a motion for leave to proceed in forma pauperis. However, he failed to submit a copy of his prison trust account statement for the six months prior to filing his complaint as required by 28 U.S.C. § 1915(a)(2). As a result I was unable to consider his motion.

By letters dated April 13 and 29, 2010, plaintiff was directed to forward a copy of the trust account statement to the clerk of court. On May 28, I ordered plaintiff to submit a copy of the trust account statement on or before June 28, warning him that failure to do so could result in dismissal of this action. To date, plaintiff has neither responded nor paid the \$350 filing fee. I infer from plaintiff's inaction that he no longer intends to prosecute this action. Thus I will dismiss this case without prejudice.

IT IS THEREFORE ORDERED that this action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute, pursuant to Fed. R. Civ. P. 41(b) and Civil L.R. 41(c) (E.D. Wis. 2010).

IT IS FURTHER ORDERED that this dismissal will not be counted as a "strike" under 28 U.S.C. § 1915(g).

Dated at Milwaukee, Wisconsin this 1 day of July, 2010.

/s _____
LYNN ADELMAN
District Judge